

AARON D. FORD
Attorney General
Allison Herr (NV Bar No 5383)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3799 (phone)
(702) 486-2377 (fax)
AHerr@ag.nv.gov
Attorneys for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DOMONIC RONALDO MALONE,

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondent.

Case No. 2:18-cv-01146-RFB-NJK

**MOTION FOR EXTENSION OF TIME TO
FILE ANSWER TO AMENDED PETITION
FOR WRIT OF HABEAS CORPUS
(ECF No. 11)**

(FIRST REQUEST)

Respondents move this Court for a seventy-eight-day extension of time from the current due date of Monday, October 12, 2020 up to and including Monday, December 28, 2020 in which to file their answer to Domonic Malone's Amended Petition for Writ of Habeas Corpus. ECF No. 11. This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit of counsel.

This is the first enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED October 9, 2020.

AARON D. FORD
Attorney General

By: /s/ Allison Herr
ALLISON HERR (Bar No. 5383)
Senior Deputy Attorney General

DECLARATION OF ALLISON HERR

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Malone v. Williams*, 2:18-cv-01146-RFB-NJK, and as such, have personal knowledge of the matters contained herein.

2. An answer to the Amended Petition for Writ of Habeas Corpus (ECF No. 11) is currently due on Monday, October 12, 2020. I have been unable to timely complete the answer in this matter and need additional time to respond. I am seeking an extension of seventy-eight days up to and including Monday, December 28, 2020.

3. Over the summer I have had several personal and professional issues that have required me to seek extensions in other cases. Unfortunately that has created a snowball effect in that I now have several matters coming due at or near the same time, including an answer due in state matter A819055, a response due to A820169, an answer due in state matter 20 EW 00029, an answer due in state matter C-18-336940, a response to a motion due in case 3:16-cv-00631, an answer in case 3:15-cv-00492 which is on its third extension, a state evidentiary hearing in case A789688, an answering brief due to the Nevada Supreme Court in case 81141, and an evidentiary hearing in federal court in case 2:13-cv-01784¹. I am attempting to prioritize these matters by age. Unfortunately, the case of *Malone v. Williams* is the “newest” of these matters.

4. Additionally, as I will be out of state for the period of November 9, 2020 through November 18, 2020, and with the upcoming holiday closures I am seeking until the Monday following Christmas to submit my answer.

5. I have discussed this matter with opposing counsel, and she does not oppose my request.

¹ Counsel notes that while there is a motion for a continuance pending in this action, if granted it is not expected to be a long extension, thus it is included within the list of matters coming up in the next thirty days as preparation efforts are ongoing.

Executed on this 9th day of October 2020.

ALLISON HERR (Bar No. 5383)

IT IS SO ORDERED:

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 12th day of October, 2020.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing ***MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO AMENDED PETITION FOR WRIT OF HABEAS CORPUS (FIRST REQUEST)*** with the Clerk of the Court by using the CM/ECF system on October 9, 2020.

The following participants in this case are registered electronic filing systems users and will be served electronically:

Lisa Rasmussen, Esq.
Jim Hoffman, Esq.
Law Office of Lisa Rasmussen, P.C.
601 South 10th Street, Suite 100
Las Vegas, NV 89101
lisa@lrasmussenlaw.com
jim@lrasmussenlaw.com

/s/ L. Combs
An employee of the Office of the Attorney General